

REMARKS

In the office action dated 5 September 2007 ("Office Action"), the Examiner required:

- 1) restriction to one of the inventions set forth in Paragraph I. (claims 1 – 13) and Paragraph II. (claims 14 – 41); and
- 2) election to a single disclosed species for prosecution on the merits

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In Applicants' Response to Restriction Requirement filed on 2 October 2007 ("Response"), Applicants respectfully elected to prosecute the invention of Paragraph II. (claims 14 – 41). It is Applicants' understanding that this restriction requirement will become final, which thereby will cause the remaining claims in Paragraph 1 (claims 1 – 13) to become withdrawn.

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In this Preliminary Amendment, Applicants have categorized claims 1 – 13 as "withdrawn," and cancelled claims 20, 26, and 38 without prejudice to the refiling of these claims in a subsequent application. In view of the above, Applicants respectfully submit that it is not necessary for Applicants to file a suggested restriction requirement under 37 CFR 1.142(c) in order to place the above-referenced application in compliance with 37 CFR 1.75, and that the claims as presently amended are in compliance therewith.

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The Commissioner is hereby authorized to credit any overpayment of any fees which may result in connection with the filing of this communication to Account No. 10-0750/ETH5095CIP1/MGM.

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It is submitted that the foregoing remarks and amendments place the case in condition for allowance. A notice to that effect is earnestly solicited.

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Respectfully submitted,
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